Automated License Plate Readers (ALPRs)

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

428.2 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Santa Maria Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Support Division Commander.The Support Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

428.2.1 ALPR ADMINISTRATOR

The Support Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.

(e) The title and name of the current designee in overseeing the ALPR operation.

(f) Working with the Custodian of Records on the retention and destruction of ALPR data.

(g) Ensuring this policy and related procedures are conspicuously posted on the department’s website.

428.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) An ALPR shall only be used for official law enforcement business.

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(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(d) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.

(e) If practicable, the officer should verify an ALPR response before taking enforcement action that is based solely on an ALPR alert. Verification should consist of both of the following:

1. A visual comparison of the digital image of the captured license plate to the reported ALPR response to ensure the alphanumerics were captured accurately.
2. When applicable, confirmation through the California Law Enforcement Telecommunications System (CLETS) that the vehicle is still wanted.

428.3.1 ALPR HOTLISTS

ALPR hotlists will automatically alert officers when a specified license plate has been detected. Those alerts will be generated from two sources: a list of reported stolen vehicles maintained by the State of California in the Stolen Vehicle System, and a department-maintained ALPR hotlist.

(a) Stolen vehicles will not generally be entered into an ALPR hotlist since that will occur when a CHP 180 form is completed, and the vehicle is entered into CLETS.

(b) Officers can request a Lieutenant, or, in the absence of a Lieutenant, the on-duty Watch Commander, enter a vehicle into a department-wide ALPR hotlist if there is an articulable reason to believe the vehicle, or likely occupant(s), have been involved in a felony, or other crime involving violence or weapons (misdemeanor or felony), or other situation involving a serious safety risk to a potential occupant of the vehicle or member of the public. The facts supporting the request shall be entered in the RMS system for a Lieutenant, or in the absence of a Lieutenant, Watch Commander approval before the vehicle is entered into the ALPR hotlist system.

(c) As soon as practical after stopping a vehicle pursuant to an ALPR hotlist alert, the officer who initiated the stop shall request a supervisor remove the vehicle from the ALPR hotlist.

(d) Upon review of reports involving a vehicle stopped pursuant to an ALPR hotlist alert, supervisors shall check to ensure the vehicle has been removed from the ALPR hotlist. If it has not, the supervisor shall remove the vehicle from the hotlist.

(e) An ALPR hotlist alert, by itself, is not justification for a high-risk stop. Officers stopping a vehicle pursuant to an ALPR hotlist alert shall base their tactics on the individualized circumstances justifying the stop and entry into the ALPR system.

428.4 DATA COLLECTION AND RETENTION

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All ALPR data will be kept on the cloud for 30-days, and thereafter will be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded from the cloud and booked into evidence.

428.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Santa Maria Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

428.6 POLICY

The policy of the Santa Maria Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

428.7 RELEASING ALPR DATA

The ALPR data may be shared only with public agencies and only as otherwise permitted by law (Civil Code § 1798.90.55).

For purposes of this section, a public agency is limited to California state or local agencies, including law enforcement agencies, and does not include out-of-state or federal law enforcement agencies (Civil Code § 1798.90.5).

The following procedures are guidelines for ALPR requests:

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

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(b) The request is reviewed by the Administration Division Commander or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-California public agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

428.7.1 EMERGENCY RELEASE OF ALPR DATA

In exigent circumstances where there is an imminent threat to life or safety and delay in releasing ALPR data would compromise public safety or officer response, a sworn supervisor (Sergeant or above) may authorize the immediate release of the requested ALPR data without prior written approval. In such cases, the supervisor must ensure that the request is for a legitimate law enforcement purpose and verbally confirm the identity of the requesting agency and individual. As soon as practicable following the emergency release, the supervisor must complete full documentation of the request, including the name of the agency and requester, the reason for the request, the nature of the emergency, and the date and time of release. This documentation must be submitted to their Division Commander or designee for review and forwarded to the Records Supervisor for retention in accordance with this policy.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

428.8 TRAINING

The Managment Analyst should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

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